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**Subject:** Legislative Update, 2012

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## **MEMORANDUM**

**TO:** Licensed Child-Placing Agencies  
**FROM:** Lynne Williams, Director  
**DATE:** June 8, 2012  
**RE:** Legislative Update, 2012

As many of you are aware House Bill (HB) 971 and Senate Bill (SB) 299 were passed in this year's General Assembly session and are effective July 1, 2012. These bills result in changes to §§ 63.2-1719 and 63.2-901.1 of the Code of Virginia (Code). The following is guidance on what the changes are and how the Division of Licensing Programs is going to handle them:

### **HB 971** **§63.2-1719**

#### **1. What does HB 971 say?**

HB 971 adds the following crimes to the definition of "barrier crime" at § 63.2-1719 of the Code:

- Felony violation of a protective order as set out in § 16.1-253.2;
- Abduction as set out in subsection B of § 18.2-47 – "Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services shall be deemed guilty of "abduction";
- Extortion by threat as set out in § 18.2-59; and
- Felony violation of a protective order as set out in § 18.2-60.4.

#### **2. What programs does this legislation affect?**

- Child-placing agencies; and
- Foster and adoptive homes approved by child-placing agencies.

#### **3. How will this affect the inspection of background checks?**

Criminal history record reports received on or after July 1, 2012 by the Office of Background Investigations for individuals required to have background checks in the programs above must be screened for these additional crimes listed at § 63.2-1719. Criminal history record reports received

before July 1, 2012 by the Office of Background Investigations are not to be screened for these new barrier crimes.

#### **4. What changes will be made to regulations?**

- Updates to the regulation, Background Checks for Child Welfare Agencies (22VAC 40-191) will be presented to the State Board of Social Services at their August 2012 meeting.

### **SB 299**

#### **§63.2-901.1 Kinship Foster Care**

##### **1. What does SB 299 say?**

SB 299 adds the following exception at § 63.2- 901.1 of the Code:

A child-placing agency may approve as a kinship foster care parent an applicant convicted of the following offenses, provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child: (i) a felony conviction for possession of drugs as set out in Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2, but not including a felony conviction for possession of drugs with the intent to distribute; (ii) a misdemeanor conviction for arson as set out in Article 1 (§ [18.2-77](#) et seq.) of Chapter 5 of Title 18.2; or (iii) an equivalent offense in another state. This exception does not apply to household members of an applicant seeking approval as a kinship foster care parent.

##### **2. What programs does this legislation affect?**

- Foster homes approved by child-placing agencies.

##### **3. How will this affect the inspection of background checks?**

The exception must be applied to criminal history record reports received on or after July 1, 2012 (not household members) by the Office of Background Investigations for individuals required to have background checks in the programs above. The exception does not apply to criminal history record reports received before July 1, 2012 by the Office of Background Investigations.

##### **4. What changes will be made to regulations?**

Updates to the regulation, Background Checks for Child Welfare Agencies (22VAC 40-191) will be presented to the State Board of Social Services at their August 2012 meeting.